

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

AUTOPARTSOURCE LLC,

Plaintiff,

v.

STEPHEN C. BRUTON

and

BBH SOURCE GROUP LLC,

Defendants.

Civ. A. No. 3:13CV054

**DECLARATION OF JOHN AMALFE  
IN SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

I, John Amalfe, hereby declare and state the following:

1. I am over the age of twenty-one (21) years of age and am competent to testify in this matter. Furthermore, I have personal knowledge of the matters about which I testify herein.

I am a resident of the State of New Jersey.

2. I am the President of AutoPartSource LLC ("APS"). In that role, I have personal knowledge of trade secrets developed by APS and the time and resources spent in creating those trade secrets. I further have knowledge of the job responsibilities of APS employees and contractors, including the job responsibilities for the Director of Product Development position, previously held by Defendant Stephen C. Bruton, and the contractor position previously held by Lili Huang.

3. As the Director of Product Development, Bruton spent a significant amount of his time (approximately 75%) developing business strategies related to automotive parts, including

**EXHIBIT**

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what kinds of parts APS should be developing, what kinds of parts APS should be manufacturing, where APS should be distributing the parts, and to whom, and whether APS should source certain automotive products, and if so, from whom and to whom. Bruton also developed the entire product numbering system for APS's brake rotors. The business strategies and other documents created by Bruton were APS trade secrets such that they had independent economic value because they were not readily known in the industry.

4. Bruton also was primarily responsible for creating and updating several worksheets, data sets, guides and other tools that contained highly-sensitive and critical information relating to APS's dealings with its customers. Attached as Exhibit 1 is a true and accurate listing of the various worksheets, data sets, guides and other tools for which Bruton was responsible. As but one example, Magneti Marelli is a customer of APS that supplies after-market parts to Chrysler. The documents listed on Exhibit 1 relating to Magneti Marelli contained specifications and details for APS to build parts for Magneti Marelli. Without the information contained in these documents, APS would not be able to manufacture the parts for Magneti Marelli to supply to Chrysler.

5. On December 28, 2012, I learned that Huang had confessed to her reporting manager, Dwayne Foster, Director of Filters, that she had started her own business with a friend that was engaged in the wholesale distribution of automotive parts and competed directly with APS.

6. On the same date, I contacted Bruton to inquire about Huang's business since Bruton and Huang worked together closely. Though he first denied it, Bruton ultimately admitted that he was the friend who had started the business with Huang.

7. On December 31, 2012, at approximately 9:00 am (PST), APS terminated Bruton's employment and escorted him from its California offices. Shortly thereafter, APS ended Huang's contractor relationship.

8. At the time of his termination, Bruton was earning \$90,000 per year, but also received additional compensation in bonuses and commissions. According to Bruton's W-2s, he earned \$97,949.37 in 2011 and \$119,480.56 in 2012. Attached as Exhibit 2 are true and accurate copies of Bruton's W-2s during his employment with APS. Had APS known that Bruton had started a competing business on or about August 22, 2011, and was running that business while continuing to be employed by APS, he would have been terminated at that time. Thus, he would have received only part of his salary and benefits in 2011 and none of his salary and benefits in 2012. Since August 2011, APS provided Bruton with benefits worth \$5,693.16. During this time period, APS further reimbursed Bruton for \$36,353.12 in business expenses. Attached as Exhibit 3 are true and accurate copies of Bruton's expenses reimbursements since August 2011. A portion of these reimbursed expenses were for trips Bruton made to China supposedly on behalf of APS, but during which he visited textile factories and other potential vendors for BBH instead. BBH was unjustly enriched because it did not have pay any compensation to Bruton to start the business because APS was continuing to pay Bruton's salary, benefits and expenses. BBH was also unjustly enriched because APS funded trips to China for Bruton to perform work for BBH.

9. The compensation and reimbursements APS has paid to Huang since August 22, 2011 equal \$50,590.25. Attached as Exhibit 4 is a true and accurate copy of wire transfers sent to Huang since August 22, 2011, which shows the compensation and reimbursements APS paid. As Huang was predominantly working for BBH instead of APS during this time period, and was

in violation of her Agreement with APS, APS was damaged because it did not receive the full benefit of its contract with Huang. Further, BBH was unjustly enriched because it did not have to pay any compensation to Huang during the start-up months because APS was continuing to compensate her.

10. After Bruton's termination, APS sent Bruton's Company-issued computer to a forensic analyst to determine if any APS information had been copied or deleted. The forensic analysis uncovered the fact that Bruton accessed his former Company-issued computer three times after he had been terminated and deleted documents each time.

11. In interviewing APS's employees, including Bruton's son, Stephen C. Bruton, Jr. ("Bruton, Jr."), and reviewing the reports from the forensic analyst, I learned that Bruton reentered the APS building and requested access to his former Company-owned laptop to verify his accrued vacation. The laptop had already been sealed in a box and placed in the area where UPS packages are processed in the California office. One of the Warehouse Managers escorted Bruton to the UPS processing area, unsealed the box and allowed Bruton to access the laptop while he watched over Bruton's shoulder. When Bruton was finished, the Warehouse Manager placed the laptop back in the box and resealed it. The box was unsealed again and the laptop accessed between 2:22 pm (PST) and 2:50 (PST), this time without any knowledge or consent from anyone at APS with authority to provide Bruton with such access. On January 1, 2013, Bruton, Jr. used his security access card around 12:55 pm (PST) so that Bruton could gain access to the closed building. Again, without APS's knowledge or consent, Bruton's former laptop was accessed between 12:59 pm and 2:15 pm (PST).

12. Records from the alarm company APS uses for its California office confirm that on January 1, 2013, Bruton, Jr.'s security code was used to access the closed building around 12:55 pm (PST).

13. During the last two times Bruton accessed his former laptop without APS's knowledge or consent, he deleted several proprietary and trade secret databases that APS expended a considerable amount of time and resources in creating. Some of the more significant documents Bruton deleted and that APS had to recreate are listed in Exhibit 1. Some of these databases contained information about specifications for auto parts for vehicles dating back to 1985. The formatting for how this information was retained would be considerably valuable to a competitor and would give them an advantage they otherwise would not have. Furthermore, because of the historical trends displayed in the documents, I would estimate that these databases, even if they were not continually updated, would retain their value for at least seven (7) years, more if they continued to be updated.

14. As a result of Bruton's deletion of the Magneti Marelli documents, Chrysler was delayed by three (3) months in rolling out a new product line. APS was forced to recreate the documents before it could build the product for Magneti Marelli. This three (3) month delay has damaged APS in an amount still to be determined.

15. APS was further damaged by the expense of recreating the documents. APS had to utilize different employees to recreate the documents, taking away from time they should have been spending performing their own work responsibilities, and also had to hire a contractor for the recreation. I have worked with APS employees to estimate the hours it has taken (or will take) to recreate the deleted documents. These estimated hours are set forth in Exhibit 1. The estimated recreation costs of the trade secrets are approximately \$212,044.02.

16. BBH was further unjustly enriched because it retained access to trade secret and confidential documents that Bruton created for APS during his employment. Approximately 75% of Bruton's working time while he was employed by APS was to create or update APS's trade secrets and other confidential information to help APS track and record customer and vendor-sensitive information (including specifications, pricing, amount purchased or sold), create product specifications and numbering systems, source products from China, market and sell products in the United States, and otherwise perform his product development and sourcing role. APS compensated Bruton for creating and updating these trade secrets and confidential information. BBH received the benefit of these trade secrets and confidential information without having to incur the time and expense to create them itself. In considering solely the amount of time and expense APS paid Bruton alone to create and update these trade secrets, to which BBH misappropriated, APS expended \$616,237.35 (75% of Bruton's total compensation earned while working at APS).

17. One of the customers with whom Bruton worked closely during his employment with APS was Intex Auto Parts ("Intex"). They have been a consistent customer of APS since 2008.

18. In 2010, APS made \$66,745.41 in profit from sales to Intex. Attached as Exhibit 5 is a true and accurate copy of a Monthly Sales Report by Customer showing the amount of profit APS earned from sales to Intex in 2010.

19. In 2011, the amount of profit APS earned from sales to Intex decreased to \$47,280.97. Attached as Exhibit 6 is a true and accurate copy of a Monthly Sales Report by Customer showing the amount of profit APS earned from sales to Intex in 2011.

20. In 2012, the profits from Intex sales decreased further to \$35,619.00. Attached as Exhibit 7 is a true and accurate copy of a Monthly Sales Report by Customer showing the amount of profit APS earned from sales to Intex in 2012.

21. Following the trend, the amount of profit APS has earned from Intex in the first quarter of 2013 has decreased even further compared to first quarter sales in the previous years. For example, in 2012, APS sold Intex approximately \$63,000 worth of product in the first four months of the year. In contrast, APS sold Intex approximately \$8,000 in the first four months of 2013. Consequently, APS will unlikely be able to recover all of its business with Intex that was lost to BBH, and therefore will continue to suffer future lost profit damages.

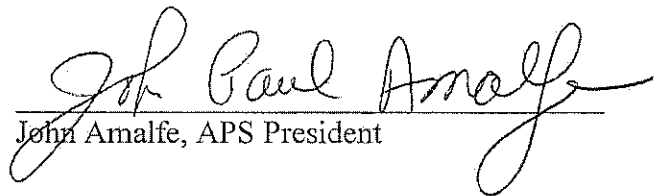
22. Because BBH failed to appear in this litigation (and since Bruton filed for bankruptcy staying the action against him), APS was unable to engage in discovery to determine if BBH is selling competitive automotive products to APS's other customers. However, I did discover that on or about March 26, 2013, Bruton tried to solicit business from one of our customer accounts in California. A true and accurate copy of the business card that Bruton left with the customer is attached as Exhibit 8.

23. After his termination, Bruton filed a claim for unemployment insurance with the California Employment Development Department. His claim was initially denied, to which Bruton filed an appeal. I represented APS in the appeal hearing held on April 19, 2013. When asked whether Bruton traveled to China to do business for BBH while working for APS, Bruton initially denied it under oath. However, he later admitted that he traveled to textile factories on behalf of BBH during a trip to China where his plane flight, meals and lodging were paid for by APS. Bruton was ultimately denied unemployment benefits. Bruton further misrepresented the facts surrounding the deletion activity on his computer after he was terminated. A true and

accurate copy of the Decision of the California Unemployment Insurance Appeals Board is attached as Exhibit 9.

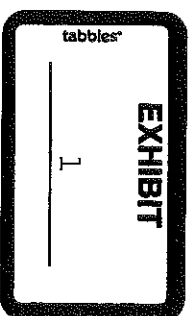
I declare under penalty of perjury that the foregoing is true and correct.

Executed on this \_\_\_\_ day of May, 2013.

  
John Amalfe, APS President



5 Bruton PC Files to Recover/Re-create, Re-build  
4/29/2013



#	File Description	Hours to Create	Hours to Maintain monthly	Who	Annual Salary	Calculated Hourly Rate	Cost to Recreate
1	CARQUEST QUOTE WORKSHEET	15		Bruce	\$111,240	\$53.48	\$802.20
2	FREMAX TO OE NUMBERS	4		Bruce		\$53.48	\$213.92
3	FREMAX ITEMS WITH NO SALES	0.5		Bruce		\$53.48	\$26.74
4	PR MASTER INTERCHANGE WITH COMPETITIVE PRICING	20		Bruce		\$53.48	\$1,069.60
5	TRUSTAR TO BOSCH ROTORS	6		Bruce		\$53.48	\$320.88
6	MF CLAMSHELL COST BREAKDOWN	4		Bruce		\$53.48	\$213.92
7	MP CLAMSHELL COST BREAKDOWN	4		Bruce		\$53.48	\$213.92
8	FMSI CROSS THROUGH D1647	4		Bruce		\$53.48	\$213.92
9	COMPLETE TRUSTAR ROTOR CROSS & PRICING EVALUATION	45		Bruce		\$53.48	\$2,406.60
10	TRUSTAR, PR, FREMAX, BLACK LABEL CROSS	4		Bruce		\$53.48	\$213.92
11	ABUTMENT CLIPS TO FMSI NUMBERS	5		Bruce		\$53.48	\$267.40
12	IP+ CONTAINER QUOTE FOR ICP INCLUDING WEIGHTS	3		Bruce		\$53.48	\$160.44
13	P+ TO DURA INTERCHANGE	6		Bruce		\$53.48	\$320.88
14	NGX FRICTION INTERCHANGE	7		Bruce		\$53.48	\$374.36
15	P+ TO GREN INTERCHANGE	3		Bruce		\$53.48	\$160.44
16	APS SENSOR INTERCHANGE TO CENTRIC	2		Bruce		\$53.48	\$106.96
17	P+ TO WAGNER INTERCHANGE	7		Bruce		\$53.48	\$374.36
18	TRUSTAR, FREMAX INTERCHANGE TO QUALIS	5		Bruce		\$53.48	\$267.40
19	VGX FRICTION TO RAYBESTOS INTERCHANGE	4		Bruce		\$53.48	\$213.92
20	MAGNETI MARELLI FLOWED COST WORKSHEET	12		Bruce		\$53.48	\$641.76
21	Base FMSI Application List (Sorted and Cleaned)	8	4	Dave Gonzales	\$206,464	\$99.26	\$794.08
22	APS Application List with multiple frictions (Refreshed and Cleaned)	120	8	Dave Gonzales		\$99.26	\$11,911.20
23	FMSI to APS cross reference	40	4	Dave Gonzales		\$99.26	\$3,970.40
24	OE Part Numbers to APS Number Cross Reference	40	4	Dave Gonzales		\$99.26	\$3,970.40
25	OE Edge Codes to APS Number Cross Reference	40	4	Dave Gonzales		\$99.26	\$3,970.40
26	APS to Competitor Cross References	100	8	Dave Gonzales		\$99.26	\$9,926.00
27	APS to Hardware Cross References (BBP & IBI)	16	2	Dave Gonzales		\$99.26	\$1,588.16
28	Direct Union City) customer profiles and other business data; payable info., line stocking reports.	48	2	Dave Gonzales		\$99.26	\$4,764.48
29	BOM in Spreadsheet Format	320	16	Dave Gonzales		\$99.26	\$31,763.20
30	APS Customer Specific Application Guides (Each)	40	4	Dave Gonzales		\$99.26	\$3,970.40

7	NAPS Application Guide (Updated and cleaned)	240	16	Dave Gonzales			\$99.26	\$23,822.40
1	NAPS Rotor to Disc Pad Cross Reference	160	8	Dave Gonzales			\$99.26	\$15,881.60
2	NAPS to OE Number Cross Reference	80	8	Dave Gonzales			\$99.26	\$7,940.80
3	NAPS to Competitor Cross Reference	320	8	Dave Gonzales			\$99.26	\$31,763.20
4	NAPS Rotor Specification List	40	4	Dave Gonzales			\$99.26	\$3,970.40
5	NAPS Customer Specific Application Guides	40	4	Dave Gonzales			\$99.26	\$3,970.40
6	Nagneti Marelli Full data Set w/ Catalog Layout (corrected)	2		Lenny Chapman		\$82,456	\$39.64	\$79.28
7	CarQuest Quote	20		Lenny Chapman			\$39.64	\$792.80
8	Magneti Marelli New 246 Catalog Data	40		Lenny Chapman			\$39.64	\$1,585.60
9	Bosch Interchange & Costing Comparison (Rotors)	10		Lenny Chapman			\$39.64	\$396.40
10	NAPS vs. Competitors Rotor File	160		Lenny Chapman			\$39.64	\$6,342.40
11	Rotor Pricing File	8		Lenny Chapman			\$39.64	\$317.12
12	Magneti Marelli New 246 Launch Quote	40		Lenny Chapman			\$39.64	\$1,585.60
13	Magneti Marelli New 246 Data Set	120		Lenny Chapman			\$39.64	\$4,756.80
14	Magneti Marelli New 231 Data Set in Catalog Form	40		Lenny Chapman			\$39.64	\$1,585.60
15	Magneti Marelli Quote for Holes non CDJR	60		Lenny Chapman			\$39.64	\$2,378.40
16	Magneti Marelli Brake Shoes Identified for FDP Quote	10		Lenny Chapman			\$39.64	\$396.40
17	Magneti Marelli Brazil Quote (60 part numbers)	20		Lenny Chapman			\$39.64	\$792.80
18	Magneti Marelli Middle East Quote (57 part Numbers)	20		Lenny Chapman			\$39.64	\$792.80
19	Magneti Marelli Middle East Parts Range Identified	40		Lenny Chapman			\$39.64	\$1,585.60
20	Wagner to VGX Brake Pad Interchange	10		Lenny Chapman			\$39.64	\$396.40
21	FDP Quote for Pads from NWF	4		Lenny Chapman			\$39.64	\$158.56
22	Raw catalog data with internal research notes	400	20	Luke		\$75,805	\$36.44	\$14,576.00
23	OE Sample Library - OE Number, FMSI, Location, cost, etc	10	2	Luke			\$36.44	\$364.40
24	Master Rotor file: Amco, vendor pricing, pallet qty's, etc	20	2	Lloyd/Luke			\$30.00	\$600.00
TOTAL		2847	128				\$3,394.88	\$212,044.02

a Control number <b>002000 QFG</b>		Void <input type="checkbox"/>		OMB No. 1545-0008 QFG		<b>618000</b>		<b>002000</b>	
b Employer identification number <b>42-1626087</b>				1 Wages, tips, other compensation <b>61476.79</b>		2 Federal income tax withheld <b>6409.19</b>			
c Employer's name, address, and ZIP code <b>AUTOPARTSOURCE LLC 4605 CAROLINA AVE RICHMOND VA 23222</b>				3 Social security wages <b>62711.79</b>		4 Social security tax withheld <b>3888.13</b>			
				5 Medicare wages and tips <b>62711.79</b>		6 Medicare tax withheld <b>909.32</b>			
				7 Social security tips		8 Allocated tips			
d Employee's social security number <b>568-06-3571</b>				9 Advance EIC payment		10 Dependent care benefits			
e Employee's first name and initial <b>STEPHEN C</b>		Last name <b>BRUTON</b>		11 Nonqualified plans		12a See instructions for box 12 <b>D 200.00</b>			
f Employee's address and ZIP code <b>3547 JOHNSON CT. FREMONT, CA 94555</b>				13 Statutory employee <input type="checkbox"/> Retirement plan <input checked="" type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b			
				14 Other <b>740.00 CA SDI</b>		12c			
						12d			
15 State Employer's state ID number <b>CA 239-0339 6</b>		16 State wages, tips, etc. <b>61476.79</b>		17 State income tax <b>2066.38</b>		18 Local wages, tips, etc.		19 Local income tax	
								20 Locality name	

Form **W-2** Wage and Tax  
Statement  
Copy D—For Employer.

**2004**

Department of the Treasury—Internal Revenue Service  
For Privacy Act and Paperwork Reduction  
Act Notice, see back of Copy D.

**EXHIBIT**

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a Control number <b>002000 QFG</b>		Void <input type="checkbox"/>		OMB No. 1545-0008 <b>QFG</b>		<b>618000</b>		<b>002000</b>							
b Employer identification number (EIN) <b>42-1626087</b>				1 Wages, tips, other compensation <b>89989.89</b>		2 Federal income tax withheld <b>8147.49</b>									
c Employer's name, address, and ZIP code <b>AUTOPARTSOURCE LLC 4605 CAROLINA AVE RICHMOND VA 23222</b>				3 Social security wages <b>90000.00</b>		4 Social security tax withheld <b>5580.00</b>									
				5 Medicare wages and tips <b>92909.89</b>		6 Medicare tax withheld <b>1347.19</b>									
				7 Social security tips		8 Allocated tips									
d Employee's social security number <b>568-06-3571</b>				9 Advance EIC payment		10 Dependent care benefits									
e Employee's first name and initial      Last name <b>STEPHEN C      BRUTON 2684 SHELLGATE CIR HAYWARD, CA 94545</b>				11 Nonqualified plans		12a See instructions for box 12 <b>1300.00</b>									
				13 Statutory employee      Retirement plan      Third-party sick pay <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		12b									
				14 Other <b>857.71 CA SDI</b>		12c									
						12d									
f Employee's address and ZIP code				15 State      Employer's state ID number <b>CA      239-0339 6</b>		16 State wages, tips, etc. <b>89989.89</b>		17 State income tax <b>2536.02</b>		18 Local wages, tips, etc.		19 Local income tax		20 Locality name	

Form **W-2** Wage and Tax  
Statement  
Copy D—For Employer.

**2005**

Department of the Treasury—Internal Revenue Service  
For Privacy Act and Paperwork Reduction  
Act Notice, see back of Copy D.

a Control number <b>002000 05/QFG</b>		Void <input type="checkbox"/>		OMB No. 1545-0008 <b>QFG</b>		<b>618000</b>		<b>002000</b>	
b Employer identification number (EIN) <b>42-1626087</b>				1 Wages, tips, other compensation <b>91914.68</b>		2 Federal income tax withheld <b>8117.12</b>			
c Employer's name, address, and ZIP code <b>AUTOPARTSOURCE LLC 4605 CAROLINA AVE RICHMOND VA 23222</b>				3 Social security wages <b>94200.00</b>		4 Social security tax withheld <b>5840.40</b>			
				5 Medicare wages and tips <b>94834.68</b>		6 Medicare tax withheld <b>1375.10</b>			
				7 Social security tips		8 Allocated tips			
d Employee's social security number <b>568-06-3571</b>				9 Advance EIC payment		10 Dependent care benefits			
e Employee's first name and initial <b>STEPHEN C</b> <b>2684 SHELLGATE CIR HAYWARD, CA 94545</b> Last name <b>BRUTON</b> Suff.				11 Nonqualified plans		12a See instructions for box 12 <b>D</b> <b>1300.00</b>			
				13 Statutory employee <input type="checkbox"/> Retirement plan <input checked="" type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b			
				14 Other <b>635.34 CA SDI</b>		12c			
						12d			
f Employee's address and ZIP code									
15 State Employer's state ID number <b>CA 239-0339 6</b>		16 State wages, tips, etc. <b>91914.68</b>		17 State income tax <b>2433.37</b>		18 Local wages, tips, etc.		19 Local income tax	
								20 Locality name	

Form **W-2** Wage and Tax  
Statement  
Copy D—For Employer.

**2006**

Department of the Treasury—Internal Revenue Service  
For Privacy Act and Paperwork Reduction  
Act Notice, see back of Copy D.

Void <input type="checkbox"/>		a Employee's social security number <b>568-06-3571</b>		OMB No. 1545-0008 <b>QFG</b>		<b>618000</b>		<b>002000</b>	
b Employer identification number (EIN) <b>42-1626087</b>				1 Wages, tips, other compensation <b>89773.92</b>		2 Federal income tax withheld <b>7868.86</b>			
c Employer's name, address, and ZIP code <b>AUTOPARTSOURCE LLC</b> <b>4605 CAROLINA AVE</b> <b>RICHMOND VA 23222</b>				3 Social security wages <b>92693.92</b>		4 Social security tax withheld <b>5747.02</b>			
				5 Medicare wages and tips <b>92693.92</b>		6 Medicare tax withheld <b>1344.06</b>			
				7 Social security tips		8 Allocated tips			
d Control number <b>002000 05/QFG</b>				9 Advance EIC payment		10 Dependent care benefits			
e Employee's first name and initial <b>STEPHEN C</b>		Last name <b>BRUTON</b>		Suff.		11 Nonqualified plans		12a See instructions for box 12 <b>D</b> <b>1300.00</b>	
						13 Statutory employee <input type="checkbox"/> Retirement plan <input checked="" type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b	
						14 Other <b>500.33 CA SDI</b>		12c	
								12d	
f Employee's address and ZIP code									
15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name			
<b>CA</b>	<b>239-0339 6</b>	<b>89773.92</b>	<b>2205.60</b>						

Form **W-2** Wage and Tax  
Statement  
Copy D—For Employer.

**2007**

Department of the Treasury—Internal Revenue Service  
For Privacy Act and Paperwork Reduction  
Act Notice, see the back of Copy D.

Void <input type="checkbox"/>		568-06-3571		OMB No. 1545-0008 QFG		618000		002000	
b Employer identification number (EIN) 42-1626087				1 Wages, tips, other compensation 88557.01		2 Federal income tax withheld 7721.64			
c Employer's name, address, and ZIP code AUTOPARTSOURCE LLC 4605 CAROLINA AVE RICHMOND VA 23222				3 Social security wages 91477.01		4 Social security tax withheld 5671.57			
				5 Medicare wages and tips 91477.01		6 Medicare tax withheld 1326.42			
				7 Social security tips		8 Allocated tips			
d Control number 002000 05/QFG				9 Advance EIC payment		10 Dependent care benefits			
e Employee's first name and initial STEPHEN C		Last name BRUTON		Suff.		11 Nonqualified plans		12a See instructions for box 12 D 1300.00	
2684 SHELLGATE CIR HAYWARD, CA 94545						13 Statutory employee <input type="checkbox"/> Retirement plan <input checked="" type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b	
						14 Other		12c	
						693.58 CA SDI		12d	
f Employee's address and ZIP code									
15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name			
CA	239-0339 6	88557.01	2017.62						

Form **W-2** Wage and Tax  
Statement  
Copy D—For Employer.

2008

Department of the Treasury—Internal Revenue Service  
For Privacy Act and Paperwork Reduction  
Act Notice, see the back of Copy D.

b Employer identification number (EIN) <b>42-1626087</b>		1 Wages, tips, other compensation <b>93126.91</b>		2 Federal income tax withheld <b>7070.03</b>	
c Employer's name, address, and ZIP code <b>AUTOPARTSOURCE LLC 4605 CAROLINA AVE RICHMOND VA 23222</b>		3 Social security wages <b>96096.91</b>		4 Social security tax withheld <b>5958.01</b>	
		5 Medicare wages and tips <b>96096.91</b>		6 Medicare tax withheld <b>1393.41</b>	
		7 Social security tips		8 Allocated tips	
d Control number <b>002000 05/QFG</b>		9 Advance EIC payment		10 Dependent care benefits	
e Employee's first name and initial      Last name      Suff. <b>STEPHEN C      BRUTON</b> <b>2684 SHELLGATE CIR HAYWARD, CA 94545</b>		11 Nonqualified plans		12a See instructions for box 12 <b>D      1350.00</b>	
		13 Statutory employee      Retirement plan      Third-party sick pay <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		12b	
		14 Other <b>997.38 CA SDI</b>		12c	
				12d	
f Employee's address and ZIP code					
15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax
<b>CA</b>	<b>239-0339 6</b>	<b>93126.91</b>	<b>1978.98</b>		

Form **W-2** Wage and Tax Statement  
Copy D—For Employer.

**2009**

Department of the Treasury—Internal Revenue Service  
For Privacy Act and Paperwork Reduction Act Notice, see the back of Copy D.



Void <input type="checkbox"/>		a Employee's social security number <b>568-06-3571</b>		OMB No. 1545-0008 <b>QFG</b>		<b>617000</b>		<b>002000</b>	
b Employer identification number (EIN) <b>42-1626087</b>				1 Wages, tips, other compensation <b>89380.67</b>		2 Federal income tax withheld <b>6989.57</b>			
c Employer's name, address, and ZIP code <b>AUTOPARTSOURCE LLC 4605 CAROLINA AVE RICHMOND VA 23222</b>				3 Social security wages <b>92300.67</b>		4 Social security tax withheld <b>5722.64</b>			
				5 Medicare wages and tips <b>92300.67</b>		6 Medicare tax withheld <b>1338.36</b>			
				7 Social security tips		8 Allocated tips			
d Control number <b>002000 05/QFG</b>				9 Advance EIC payment		10 Dependent care benefits			
e Employee's first name and initial <b>STEPHEN C</b>		Last name <b>BRUTON</b>		Suff.		11 Nonqualified plans		12a See instructions for box 12 <b>D</b> <b>1300.00</b>	
f Employee's address and ZIP code <b>2684 SHELLGATE CIR HAYWARD, CA 94545</b>				13 Statutory employee <input type="checkbox"/> Retirement plan <input checked="" type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b			
				14 Other <b>1015.31 CA SDI</b>		12c			
						12d			
15 State Employer's state ID number <b>CA 239-0339 6</b>		16 State wages, tips, etc. <b>89380.67</b>		17 State income tax <b>2272.13</b>		18 Local wages, tips, etc.		19 Local income tax	
								20 Locality name	

Form **W-2** Wage and Tax  
Statement  
Copy D — For Employer.

**2010**

Department of the Treasury—Internal Revenue Service  
For Privacy Act and Paperwork Reduction  
Act Notice, see back of Copy D.

Safe, accurate, FAST! Use **efile** Visit the IRS Web Site at [www.irs.gov/efile](http://www.irs.gov/efile)

# W-2 Wage and Tax Statement 2011

Copy C for employee's records  
d Control number 002000 BALT/QFG 617000 Dept. Corp. Employer use only A 11

c Employer's name, address, and ZIP code  
AUTOPARTSOURCE LLC  
4605 CAROLINA AVE  
RICHMOND VA 23222

Batch #02042

e/f Employee's name, address, and ZIP code  
STEPHEN C. BRUTON  
2684 SHELLGATE CIR  
HAYWARD, CA 94545

b Employer's FED ID number 42-1626087 a Employee's SSA number 568-06-3571

1 Wages, tips, other comp. 97949.37 2 Federal income tax withheld 9302.43

3 Social security wages 100869.37 4 Social security tax withheld 4236.51

5 Medicare wages and tips 100869.37 6 Medicare tax withheld 1462.61

7 Social security tips 8 Allocated tips

9 10 Dependent care benefits

11 Nonqualified plans 12a See instructions for box 12 D 1300.00

14 Other 1119.79 SDI 12b 12c 12d

13 Stat emp Ret. plan 3rd party sick pay X

15 State Employer's state ID no. CA 239-0339 6 16 State wages, tips, etc. 97949.37

17 State income tax 2840.84 18 Local wages, tips, etc.

19 Local income tax 20 Locality name

## 2011 W-2 and EARNINGS SUMMARY

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2011 pay stub plus any adjustments submitted by your employer.

Gross Pay	103123.11	Social Security Tax Withheld	4236.51	CA. State Income Tax	2840.84
		Box 4 of W-2		Box 17 of W-2	
				SUI/SDI	1119.79
				Box 14 of W-2	
Fed. Income Tax Withheld	9302.43	Medicare Tax Withheld	1462.61		
Box 2 of W-2		Box 6 of W-2			

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	CA. State Wages, Tips, Etc. Box 16 of W-2
Gross Pay	103,123.11	103,123.11	103,123.11	103,123.11
Less Misc. Non Taxable Comp.	1,620.00	N/A	N/A	1,620.00
Less 401(k) (D-Box 12)	1,300.00	N/A	N/A	1,300.00
Less Other Cafe 125	2,253.74	2,253.74	2,253.74	2,253.74
Reported W-2 Wages	97,949.37	100,869.37	100,869.37	97,949.37

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

STEPHEN C. BRUTON  
2684 SHELLGATE CIR  
HAYWARD, CA 94545

Social Security Number: 568-06-3571  
Taxable Marital Status: MARRIED

Exemptions/Allowances:

FEDERAL: 5  
STATE: 8

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1 Wages, tips, other comp. 97949.37 2 Federal income tax withheld 9302.43

3 Social security wages 100869.37 4 Social security tax withheld 4236.51

5 Medicare wages and tips 100869.37 6 Medicare tax withheld 1462.61

d Control number 002000 BALT/QFG 617000 Dept. Corp. Employer use only A 11

c Employer's name, address, and ZIP code

AUTOPARTSOURCE LLC  
4605 CAROLINA AVE  
RICHMOND VA 23222

b Employer's FED ID number 42-1626087 a Employee's SSA number 568-06-3571

7 Social security tips 8 Allocated tips

9 10 Dependent care benefits

11 Nonqualified plans 12a See instructions for box 12 D 1300.00

14 Other 1119.79 SDI 12b 12c 12d

13 Stat emp Ret. plan 3rd party sick pay X

e/f Employee's name, address and ZIP code

STEPHEN C. BRUTON  
2684 SHELLGATE CIR  
HAYWARD, CA 94545

15 State Employer's state ID no. CA 239-0339 6 16 State wages, tips, etc. 97949.37

17 State income tax 2840.84 18 Local wages, tips, etc.

19 Local income tax 20 Locality name

Federal Filing Copy

W-2 Wage and Tax Statement 2011

Copy B to be filed with employee's Federal Income Tax Return.

1 Wages, tips, other comp. 97949.37 2 Federal income tax withheld 9302.43

3 Social security wages 100869.37 4 Social security tax withheld 4236.51

5 Medicare wages and tips 100869.37 6 Medicare tax withheld 1462.61

d Control number 002000 BALT/QFG 617000 Dept. Corp. Employer use only A 11

c Employer's name, address, and ZIP code

AUTOPARTSOURCE LLC  
4605 CAROLINA AVE  
RICHMOND VA 23222

b Employer's FED ID number 42-1626087 a Employee's SSA number 568-06-3571

7 Social security tips 8 Allocated tips

9 10 Dependent care benefits

11 Nonqualified plans 12a See instructions for box 12 D 1300.00

14 Other 1119.79 CA SDI 12b 12c 12d

13 Stat emp Ret. plan 3rd party sick pay X

e/f Employee's name, address and ZIP code

STEPHEN C. BRUTON  
2684 SHELLGATE CIR  
HAYWARD, CA 94545

15 State Employer's state ID no. CA 239-0339 6 16 State wages, tips, etc. 97949.37

17 State income tax 2840.84 18 Local wages, tips, etc.

19 Local income tax 20 Locality name

CA State Reference Copy

W-2 Wage and Tax Statement 2011

Copy 2 to be filed with employee's State Income Tax Return.

1 Wages, tips, other comp. 97949.37 2 Federal income tax withheld 9302.43

3 Social security wages 100869.37 4 Social security tax withheld 4236.51

5 Medicare wages and tips 100869.37 6 Medicare tax withheld 1462.61

d Control number 002000 BALT/QFG 617000 Dept. Corp. Employer use only A 11

c Employer's name, address, and ZIP code

AUTOPARTSOURCE LLC  
4605 CAROLINA AVE  
RICHMOND VA 23222

b Employer's FED ID number 42-1626087 a Employee's SSA number 568-06-3571

7 Social security tips 8 Allocated tips

9 10 Dependent care benefits

11 Nonqualified plans 12a See instructions for box 12 D 1300.00

14 Other 1119.79 CA SDI 12b 12c 12d

13 Stat emp Ret. plan 3rd party sick pay X

e/f Employee's name, address and ZIP code

STEPHEN C. BRUTON  
2684 SHELLGATE CIR  
HAYWARD, CA 94545

15 State Employer's state ID no. CA 239-0339 6 16 State wages, tips, etc. 97949.37

17 State income tax 2840.84 18 Local wages, tips, etc.

19 Local income tax 20 Locality name

CA State Filing Copy

W-2 Wage and Tax Statement 2011

Copy 2 to be filed with employee's State Income Tax Return.

Safe, accurate, **efile** Visit the IRS Web Site  
 AST! Use at [www.irs.gov/efile](http://www.irs.gov/efile)

# Employee Reference Copy W-2 Wage and Tax Statement 2012

OMB No. 1545-0008  
 Control number 02000 BALT/QFG 617000 Dept. 617000 Corp. A Employer use only 12

Employer's name, address, and ZIP code

AUTOPARTSOURCE LLC  
 4605 CAROLINA AVE  
 RICHMOND VA 23222

Batch #01831

Employee's name, address, and ZIP code

STEPHEN C. BRUTON  
 684 SHELLGATE CIR  
 HAYWARD, CA 94545

Employer's FED ID number 42-1626087	a Employee's SSA number 568-06-3571
Wages, tips, other comp. 119480.56	2 Federal income tax withheld 15245.78
Social security wages 110100.00	4 Social security tax withheld 4624.20
Medicare wages and tips 122400.56	6 Medicare tax withheld 1774.81
Social security tips	8 Allocated tips
Nonqualified plans	10 Dependent care benefits
Other	12a See instructions for box 12 D 1300.00
955.85 SDI	12b
	12c
	12d
13 Stat emp. Ret. plan 3rd party sick pay	X
State Employer's state ID no. CA 239-0339 6	16 State wages, tips, etc. 119480.56
State income tax 4670.24	18 Local wages, tips, etc.
Local income tax	20 Locality name

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2012 pay stub plus any adjustments submitted by your employer.

Gross Pay	124754.88	Social Security Tax Withheld	4624.20	CA. State Income Tax	4670.24
		Box 4 of W-2		Box 17 of W-2	
				SUI/SDI	955.85
				Box 14 of W-2	
Fed. Income Tax Withheld	15245.78	Medicare Tax Withheld	1774.81		
Box 2 of W-2		Box 6 of W-2			

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	CA. State Wages, Tips, Etc. Box 16 of W-2
Gross Pay	124,754.88	124,754.88	124,754.88	124,754.88
Less Misc. Non Taxable Comp.	1,620.00	N/A	N/A	1,620.00
Less 401(k) (D-Box 12)	1,300.00	N/A	N/A	1,300.00
Less Other Cafe 125	2,354.32	2,354.32	2,354.32	2,354.32
Wages Over Limit	N/A	12,300.56	N/A	N/A
Reported W-2 Wages	119,480.56	110,100.00	122,400.56	119,480.56

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

STEPHEN C. BRUTON  
 2684 SHELLGATE CIR  
 HAYWARD, CA 94545

Social Security Number: 568-06-3571

Taxable Marital Status: MARRIED

Exemptions/Allowances:

FEDERAL: 5  
 STATE: 8

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Wages, tips, other comp. 119480.56	2 Federal income tax withheld 15245.78
Social security wages 110100.00	4 Social security tax withheld 4624.20
Medicare wages and tips 122400.56	6 Medicare tax withheld 1774.81
Control number 02000 BALT/QFG 617000	Dept. 617000 Corp. A Employer use only 12

Employer's name, address, and ZIP code

AUTOPARTSOURCE LLC  
 4605 CAROLINA AVE  
 RICHMOND VA 23222

Employer's FED ID number 42-1626087	a Employee's SSA number 568-06-3571
Social security tips	8 Allocated tips
	10 Dependent care benefits
Nonqualified plans	12a See instructions for box 12 D 1300.00
Other	12b
955.85 SDI	12c
	12d
13 Stat emp. Ret. plan 3rd party sick pay	X

Employee's name, address and ZIP code

STEPHEN C. BRUTON  
 684 SHELLGATE CIR  
 HAYWARD, CA 94545

State Employer's state ID no. CA 239-0339 6	16 State wages, tips, etc. 119480.56
State income tax 4670.24	18 Local wages, tips, etc.
Local income tax	20 Locality name

Federal Filing Copy  
 N-2 Wage and Tax 2012

1 Wages, tips, other comp. 119480.56	2 Federal income tax withheld 15245.78
3 Social security wages 110100.00	4 Social security tax withheld 4624.20
5 Medicare wages and tips 122400.56	6 Medicare tax withheld 1774.81
d Control number 002000 BALT/QFG 617000	Dept. 617000 Corp. A Employer use only 12

c Employer's name, address, and ZIP code

AUTOPARTSOURCE LLC  
 4605 CAROLINA AVE  
 RICHMOND VA 23222

b Employer's FED ID number 42-1626087	a Employee's SSA number 568-06-3571
7 Social security tips	8 Allocated tips
	10 Dependent care benefits
11 Nonqualified plans	12a D 1300.00
14 Other	12b
955.85 CA SDI	12c
	12d
13 Stat emp. Ret. plan 3rd party sick pay	X

e/f Employee's name, address and ZIP code

STEPHEN C. BRUTON  
 2684 SHELLGATE CIR  
 HAYWARD, CA 94545

15 State Employer's state ID no. CA 239-0339 6	16 State wages, tips, etc. 119480.56
17 State income tax 4670.24	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

CA State Reference Copy  
 W-2 Wage and Tax 2012

1 Wages, tips, other comp. 119480.56	2 Federal income tax withheld 15245.78
3 Social security wages 110100.00	4 Social security tax withheld 4624.20
5 Medicare wages and tips 122400.56	6 Medicare tax withheld 1774.81
d Control number 002000 BALT/QFG 617000	Dept. 617000 Corp. A Employer use only 12

c Employer's name, address, and ZIP code

AUTOPARTSOURCE LLC  
 4605 CAROLINA AVE  
 RICHMOND VA 23222

b Employer's FED ID number 42-1626087	a Employee's SSA number 568-06-3571
7 Social security tips	8 Allocated tips
	10 Dependent care benefits
11 Nonqualified plans	12a D 1300.00
14 Other	12b
955.85 CA SDI	12c
	12d
13 Stat emp. Ret. plan 3rd party sick pay	X

e/f Employee's name, address and ZIP code

STEPHEN C. BRUTON  
 2684 SHELLGATE CIR  
 HAYWARD, CA 94545

15 State Employer's state ID no. CA 239-0339 6	16 State wages, tips, etc. 119480.56
17 State income tax 4670.24	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

CA State Filing Copy  
 W-2 Wage and Tax 2012



PAY ENDING

9-4-11

# WEEKLY EXPENSE REPORT

## WEEK ENDING

**9-6-11**

NAME \_\_\_\_\_

**Steve Bruton**

## I. TRANSPORTATION

[illegible]

## II. ENTERTAINMENT AND MEALS

DATE	TYPE & LOCATION	NO. IN PARTY	COMPANY & PERSONS ENTERTAINED	TOPICS DISCUSSED	
25-Aug	Tony Romas	2	Luke, Steve		\$ 39.94 ✓
25-Aug	KFC	8	Lunch for warehouse workers		\$ 52.15 ✓
27-Aug	Togos	6	Lunch for warehouse workers		\$ 43.94 ✓
27-Aug	Chevy's	4	Steve, Luke, Steve, Ruben		\$ 60.17 ✓
30-Aug	Wienerschnitzel	6	Lunch for warehouse workers		\$ 36.21 ✓
1-Sep	Chipollie	5	Dinner for Warehouse workers		\$ 44.25 ✓
3-Sep	Market Broiler	4	Ms Yang, Lili, Steve, Debbie		\$ 126.58 ✓
4-Sep	Alloids	4	Ms Yang, Lili, Steve, Debbie		\$ 80.55 ✓
26-Aug	Sizler	2	Steve, Luke, Steve, Ruben		\$ 21.73 ✓

### III. LODGING

DATE	HOTEL/CITY				
		8/28	Home Depot (whse supplies)	\$	94.78
		8/30	Target (microwave)	\$	64.70
		9-2	Lowes (plumbing supplies for sink)	\$	6.53
		8/22	76 station (propane for forklift)	\$	31.71
		8/28	76 station (propane for forklift)	\$	28.93
		8/28	76 station (propane for forklift)	\$	33.89
		8-28	76 station diesel fuel	\$	10.85
		8/20	Rotten Robbie diesel Fuel	\$	21.13
		9-1	Rotten Robbie diesel Fuel	\$	60.06
		9-2	Lowes light bulbs	\$	32.57
	TOTAL		TOTALS	\$	385.09

8150.1601 = 159.48

8150.1601 - 39.04

\$186.57

8150.1601

8150.1601

8150.1601

SIGNATURE *[Signature]*

APPROVED *[Signature]*

DATE 9/3/11

TOTALS \$ 889.61

I. TRANSPORTATION \$ -

II. ENTERTAINMENT/MEALS \$ 504.52

III. LODGING \$ -

IV. MISCELLANEOUS \$ 385.09

V. TOTAL FROM SECOND PAGE \$ -

VI. LESS CASH ADVANCE \$ -

TOTALS \$ 889.61

## SUMMARIES

I. TRANSPORTATION	\$ -
II. ENTERTAINMENT/MEALS	\$ 504.52
III. LODGING	\$ -
IV. MISCELLANEOUS	\$ 365.09
V. TOTAL FROM SECOND PAGE	\$ -
VI. LESS CASH ADVANCE	\$ / -
TOTALS	\$ / 889.61

APPROVED

DATE \_\_\_\_\_

VED  
B. D. H.

EXPENSE REPORT PAID THRU ADP

PAY ENDING

9-18-11

PAY DATE

9-23-11

## WEEKLY EXPENSE REPORT

WEEK ENDING

9-12-11

NAME

STEVIE B

COST OF

TAXI

CAR

TOLLS,

MILEAGE, GAS,

OIL SERVICE

OTHER:

TOTAL

TICKET

RENTAL

PARKING

EXPLAIN\*\*

TOTAL

TOTAL

TOTAL

DATE

FROM

TO

PURPOSE OF TRIP

TOTAL

TOTAL

TOTAL

8-Sep

Enterprise Car rental

Richmond trip

\$ 135.08

\$ 135.08

\$ -

\$ -

EXPENSE REPORT PAID THRU ADP

PAY ENDING

9-18-11

PAY DATE

9-23-11

## WEEKLY EXPENSE REPORT

WEEK ENDING

9-12-11

NAME

STEVIE B

COST OF

TAXI

CAR

TOLLS,

MILEAGE, GAS,

OIL SERVICE

OTHER:

TOTAL

TICKET

RENTAL

PARKING

EXPLAIN\*\*

TOTAL

TOTAL

TOTAL

DATE

FROM

TO

PURPOSE OF TRIP

TOTAL

TOTAL

TOTAL

8-Sep

Enterprise Car rental

Richmond trip

\$ 135.08

\$ 135.08

\$ -

\$ -













PAY ENDING

10-30-11

## WEEKLY EXPENSE REPORT

## WEEK ENDING

NAME \_\_\_\_\_

STEVE BRUTON

### 3. TRANSPORTATION

[illegible]

OTHER: MISC CASH EXPENSES

TOTALS=

\$	171.60
----	--------

## ENTERTAINMENT AND MEALS

[illegible]

**TOTALS=**

5

## **II. LODGING**

DATE	HOTEL/CITY			
29-Oct	Crowne Plaza Union City (Lili)	\$	✓ 154.85	Import Genius September \$ 198.00
4-Nov	Crowne Plaza Union City (Lili)	\$	✓ 110.48	Import Genius October \$ 198.00
				IMC for Stock ✓ \$ 23.40

1085.1601  
#398.00  
1300.1601

## SUMMARIES

I. TRANSPORTATION	\$	171.60
II. ENTERTAINMENT/MEALS	\$	-
III. LODGING	\$	266.14
IV. MISCELLANEOUS	\$	421.40
V. TOTAL FROM SECOND PAGE	\$	-
VI. LESS CASH ADVANCE	\$	-
TOTALS	\$	858.14

TOTALS  $\nabla$

\$ 858.14

**SIGNATURE**

Dr. Barton

APPROVED

5

# WEEKLY EXPENSE REPORT

11-13-11  
11-18-11

**WEEK ENDING**  
**11-07-11**

NAME STEVE BRUTON

\*\*OTHER: MISC CASH EXPENSES[illegible]

TOTALS	\$ 224.67
--------	-----------

SUMMARIES		TOTAL
TRANSPORTATION	\$	5.50

TOTAL	\$ 588.72
-------	-----------

SIGNATURE De Groot

APPROVED 1/20/11

7200.1601  
2505.1600  
890.89



## EXPENSE REPORT PAID THRU APP

PAY-ENDING

12-25-11

**PAY DATE**

12-30-11

# WEEKLY EXPENSE REPORT

## WEEK ENDING

12-14-11

NAME \_\_\_\_\_

ME  
Steve Bruton

## 1. TRANSPORTATION

DATE	FROM	TO	PURPOSE OF TRIP	TICKET	RENTAL	PARKING	OIL SERVICE	EXPLAIN**	
7-Dec	hotel	show		\$ 9.63					\$ ✓ 9.63
7-Dec	show	hotel		\$ 8.89					\$ ✓ 8.89
8-Dec	hotel	show		\$ 9.26					\$ ✓ 9.26
8-Dec	show	hotel		\$ 8.25					\$ ✓ 9.25
9-Dec	hotel	Show		\$ 10.18					\$ ✓ 10.18
9-Dec	show	hotel		\$ 8.70					\$ ✓ 8.70

## II. ENTERTAINMENT AND MEALS

[illegible]

### III. LODGING

III. LODGING		IV. MISCELLANEOUS	
DATE	HOTEL/CITY		TOTAL
11-Dec	Jin Jiang Tower Shanghai	\$ 144.12	✓
		IMC FOR STOCK	\$ 1.920
			✓
			1,200.1601

SUMMARIES		TOTAL
I. TRANSPORTATION	55.46	44.24
II. ENTERTAINMENT/MEALS	5	288.37

#### IV. MISCELLANEOUS

DATE	HOTEL/CITY				
11-Dec	Jin Jiang Tower Shanghai	\$	✓ 144.12	IMC FOR STOCK	\$ / 9.20
				IMC FOR STOCK	\$ / 39.00
				Mr OEM (Samples)	\$ / 574.87
				Home Depot (w/size tape)	\$ / 8.28
				TAXI FROM HOTEL TO RESTAURANT	\$ / 3.88
				TAXI FROM RESTAURANT TO HOTEL	\$ / 5.37
				TAXI FROM AIRPORT TO HOTEL	\$ / 35.74
				TAXI FROM HOTEL TO AIRPORT	\$ / 29.44
			2505		

1300.1601

7200.

6120

2505

2505

7.542.83

1174.18

442.21

268.37

144.12

705.78

-

4465.48

1174.18

## \*\*OTHER: MISC CASH EXPENSES

2505.5591

## SUMMARIES

I. TRANSPORTATION	551	47.21
II. ENTERTAINMENT/MEALS	\$	288.37
III. LODGING	\$	144.12
IV. MISCELLANEOUS	\$	705.78
V. TOTAL FROM SECOND PAGE	\$	-
VI. LESS CASH ADVANCE	\$	-
TOTALS	\$	1174.18

# SIGNATURE

25

APPENDIX

Rock

## WEEKLY EXPENSE REPORT

**WEEK ENDING**  
**2-13-12**

NAME	STEVE BUTON
------	-------------

[illegible]

## **II. ENTERTAINMENT AND MEALS**

DATE	TYPE & LOCATION	NO. IN PARTY	COMPANY & PERSONS ENTERTAINED	TOPICS DISCUSSED	TOTAL
10-Dec	Fu Shan Restaurant	3	Steve, Lili, Mr Gao		\$ 79.24

G.L. ACCOUNT #S	TOTAL

\*\*OTHER: MISC CASH EXPENSES

TOTALS=	\$	-
---------	----	---

[illegible][illegible]

### III. LODGING

BILL LODGING		TOTAL
DATE	HOTEL/CITY	
IV. MISCELLANEOUS		TOTAL

#### IV. MISCELLANEOUS

[illegible]

## Foreign Transaction Fee

\$	2.13
----	------

[illegible]

SIGNATURE *B. Britton*

APPROVED  
7090-  
121601

SUMMARIES	TOTAL
I. TRANSPORTATION	\$ -
II. ENTERTAINMENT/MEALS	\$ 79.24
III. LODGING	\$ -
IV. MISCELLANEOUS	\$ 2.13
V. TOTAL FROM SECOND PAGE	\$ -
VI. LESS CASH ADVANCE	\$ 81.37
TOTALS	\$ 81.37



PAY ENDING	PAY DATE
3-18-12	3-23-12

**WEEK ENDING**  
**3-13-12**

NAME \_\_\_\_\_

Steve Burton

\*\*OTHER: MISC CASH EXPENSES

DATE	TYPE & LOCATION	NO. IN PARTY	COMPANY & PERSONS ENTERTAINED
------	-----------------	--------------	-------------------------------

TOTALS	\$	
--------	----	--

## TOTAL

TOTAL

TOTALS

\$ 575.93

**SIGNATURE**

APPROVED

Yours,

1

## TOTAL

TOTALS

\$ 1,677.13



PAY ENDING

4-15-12

## WEEKLY EXPENSE REPORT

WEEK ENDING

**4-09-12**

NAME

**STEVE BRUTON**

## 1. TRANSPORTATION

[illegible]

\*\*OTHER: MISC CASH EXPENSES

TOTALS	\$ 411.20
--------	-----------

## **II. ENTERTAINMENT AND MEALS**

[illegible]

### III. LODGING

DATE	HOTEL/CITY					
		MT OEM (SAMPLES)	✓	\$	181.71	
		MT OEM (SAMPLES)	✓	\$	111.50	
		MT OEM (SAMPLES)	✓	\$	183.97	
		FPRDPARTSGIANT (SAMPLES)	✓	\$	479.68	
		IMC 4 STOCK	✓	\$	13.14	
		IMC 4 STOCK	✓	\$	57.63	
		IMC 4 STOCK	✓	\$	12.46	
		IMC 4 STOCK	✓	\$	64.16	
		IMC 4 STOCK	✓	\$	60.76	
		IMC 4 STOCK	✓	\$	13.34	
	TOTAL	TOTALS	✓	\$	1,178.35	

7200-1601  
\$956.86

1300-1601  
\$221.49

*[Signature]*

I. TRANSPORTATION	\$	411.20
II. ENTERTAINMENT/MEALS	\$	-
III. LODGING	\$	-
IV. MISCELLANEOUS	\$	1,178.35
V. TOTAL FROM SECOND PAGE	\$	-
VI. LESS CASH ADVANCE	\$	-
TOTALS	\$	1,589.55

APPROVED *[Signature]*

DATE 11-2-2012

## SUMMARIES

I. TRANSPORTATION	\$ 411.20
II. ENTERTAINMENT/MEALS	\$ -
III. LODGING	\$ -
IV. MISCELLANEOUS	\$ 1,178.35
V. TOTAL FROM SECOND PAGE	\$ -
VI. LESS CASH ADVANCE	\$ -

TOTALS	\$ 1,589.55
--------	-------------

APPROVED

DATE \_\_\_\_\_

11/22/20

**PAY ENDING**

4-29-12

## WEEKLY EXPENSE REPORT

WEEK ENDING

4-16-12

NAME \_\_\_\_\_

**STEVE BRUTON**

## 1. TRANSPORTATION

[illegible]

\*\*OTHER: MISC CASH EXPENSES

→ TOTALS

## II. ENTERTAINMENT AND MEALS

DATE	TYPE & LOCATION	NO. IN PARTY	COMPANY & PERSONS ENTERTAINED	TOPICS DISCUSSED
<b>TOTALS</b>				\$ -

DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK	REMARKS
10/1/74	10/1/74	10/1/74	10/1/74	10/1/74	10/1/74
10/2/74	10/2/74	10/2/74	10/2/74	10/2/74	10/2/74
10/3/74	10/3/74	10/3/74	10/3/74	10/3/74	10/3/74
10/4/74	10/4/74	10/4/74	10/4/74	10/4/74	10/4/74
10/5/74	10/5/74	10/5/74	10/5/74	10/5/74	10/5/74
10/6/74	10/6/74	10/6/74	10/6/74	10/6/74	10/6/74
10/7/74	10/7/74	10/7/74	10/7/74	10/7/74	10/7/74
10/8/74	10/8/74	10/8/74	10/8/74	10/8/74	10/8/74
10/9/74	10/9/74	10/9/74	10/9/74	10/9/74	10/9/74
10/10/74	10/10/74	10/10/74	10/10/74	10/10/74	10/10/74
10/11/74	10/11/74	10/11/74	10/11/74	10/11/74	10/11/74
10/12/74	10/12/74	10/12/74	10/12/74	10/12/74	10/12/74
10/13/74	10/13/74	10/13/74	10/13/74	10/13/74	10/13/74
10/14/74	10/14/74	10/14/74	10/14/74	10/14/74	10/14/74
10/15/74	10/15/74	10/15/74	10/15/74	10/15/74	10/15/74
10/16/74	10/16/74	10/16/74	10/16/74	10/16/74	10/16/74
10/17/74	10/17/74	10/17/74	10/17/74	10/17/74	10/17/74
10/18/74	10/18/74	10/18/74	10/18/74	10/18/74	10/18/74
10/19/74	10/19/74	10/19/74	10/19/74	10/19/74	10/19/74
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10/23/74	10/23/74	10/23/74	10/23/74	10/23/74	10/23/74
10/24/74	10/24/74	10/24/74	10/24/74	10/24/74	10/24/74
10/25/74	10/25/74	10/25/74	10/25/74	10/25/74	10/25/74
10/26/74	10/26/74	10/26/74	10/26/74	10/26/74	10/26/74
10/27/74	10/27/74	10/27/74	10/27/74	10/27/74	10/27/74
10/28/74	10/28/74	10/28/74	10/28/74	10/28/74	10/28/74
10/29/74	10/29/74	10/29/74	10/29/74	10/29/74	10/29/74
10/30/74	10/30/74	10/30/74	10/30/74	10/30/74	10/30/74
10/31/74	10/31/74	10/31/74	10/31/74	10/31/74	10/31/74
TOTALS					

49

### III. LODGING

DATE	HOTEL/CITY				
30-Apr	Hampton Inn Mechanicsville	\$ ✓	418.78	HUGO'S PALLETS OFFICE MAX TIME CARDS	\$ 200.00
				IMC for Stock	\$ 9.61
				IMC for Stock	\$ 95.67
				IMC for Stock	\$ 3.80
				POST OFFICE FH FREIGHT OUT	\$ 23.50
				POST OFFICE FH FREIGHT OUT	\$ 3.65
				POST OFFICE FH FREIGHT OUT	\$ 3.14
				POST OFFICE FH FREIGHT OUT	\$ 3.31
TOTAL		\$	418.78	TOTALS	\$ 342.88

TOTAL	100
-------	-----

\$	418.78
----	--------

TOTALS

↓	\$ 342.88
---	-----------

SIGNATURE J. B. Burton

5318-1677  
10-10

1300.1601  
\$122.97

6120.1601

## SUMMARIES

I. TRANSPORTATION	\$	-
II. ENTERTAINMENT/MEALS	\$	-
III. LODGING	\$	418.76
IV. MISCELLANEOUS	\$	342.88
V. TOTAL FROM SECOND PAGE	\$	-
VI. LESS CASH ADVANCE	\$	-
TOTALS	\$/	761.66

TOTALS:

\$/	761.66
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APPROVED

126

DATE \_\_\_\_\_







**PAY-ENDING**

11-11-12

# WEEKLY EXPENSE REPORT

### WEEK ENDING

**11-08-12**

NAME \_\_\_\_\_

**STEVE BRUTON**

## I. TRANSPORTATION

[illegible]

\*\*OTHER: MISC CASH EXPENSES

TOTALS	\$ 186.60
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## II. ENTERTAINMENT AND MEALS

[illegible]

TOTALS	\$	<del>137.72</del>
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TOTALS	
--------	--

### III. LODGING

III. LODGING		TOTAL	IV. MISCELLANEOUS		TOTAL	
DATE	HOTEL/CITY					
1-Nov	Palazzo, Las Vegas	2505	\$ ✓	759.36	Hugo's Pallets	\$ 225.00
11-Nov	Double Tree	1091	\$ ✓	603.42	Hugo's Pallets	\$ 225.00
					Hugo's Pallets	\$ 225.00
					IMC	\$ 42.62
					Target office supplies	\$ 29.10
					Office Max	\$ 35.48
TOTAL			\$	1,362.78	TOTALS	\$ 782.20

TOTALS	\$	<del>137.72</del>
--------	----	-------------------

TOTALS	
--------	--

## SUMMARIES

SUMMARIES	TOTAL
I. TRANSPORTATION	\$ 186.60
II. ENTERTAINMENT/MEALS	\$140.47-72
III. LODGING	\$ 1,362.78
IV. MISCELLANEOUS	\$ 782.20
V. TOTAL FROM SECOND PAGE	\$ -
VI. LESS CASH ADVANCE	\$ -
TOTALS	\$ -2,469.56

TOTALS	\$ 2,469.50
--------	-------------

SIGNATURE *J. B. Patton*

APPROVED

DATE:

2472.30







DAY-ENDING

13-33-17

# WEEKLY EXPENSE REPORT

**WEEK ENDING**  
**12-19-12**

NAME
STEVE BRITTON

II. ENTERTAINMENT AND MEALS	
DATE	TYPE & LOCATION

NO. IN PARTY	COMPANY & PERSONS ENTERTAINED	TOTAL

1608

[illegible]

G.I. ACCOUNT #S	TOTAL
TOTALS >	

[illegible]

SUMMARIES	
	TOTAL

[illegible]

I. TRANSPORTATION	\$	<del>33.40</del>
II. ENTERTAINMENT/MEALS	\$	40.20
III. LODGING	\$	392.03
IV. MISCELLANEOUS:	\$	9.81
V. TOTAL FROM SECOND PAGE	\$	-
VI. LESS CASH ADVANCE	\$	-

SIGNATURE *[Signature]*

APPROVED \_\_\_\_\_  
DATE 2/20/21

442-04



**Lili Expenses****Transportation**

date of travel	type (taxi, bus, flight, etc.)	from where	to where	purpose of trip	name of plant or place	visiting	RMB amount	US\$
9/3/2011	flights (round trip)	Guangzhou	San Francisco	Richmond Meeting	APS		¥9,909.00	
total RMB							¥9,909.00	US\$0.00

**Accommodations**

date of stay	name of hotel	Province	purpose of stay	RMB amount	US\$
total RMB				¥0.00	US\$0.00 ✓

**Miscellaneous**

date of expense	type of expense	name of store or service	purpose of expense	RMB amount	US\$
visa application fee				¥938.00	
visa agency fee				¥145.00	
visa agency fee				¥1,200.00	
internet cost (12 months)				¥530.00	
tool cost				¥2,813.00	US\$0.00
total RMB				¥12,722.00	US\$0.00
total RMB/US\$ expenses				¥12,722.00	US\$0.00

OK  
D Wang  
8-19-2011

1989.06 USD  
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**EXHIBIT**

4

**Lili Expenses****Transportation**

date of travel	type (taxi, bus, flight, etc.)	from where	to where	purpose of trip	name of plant or place visiting	RMB amount	US\$
9/26/2011	flight	Tianjin	Yantai	visiting brake rotor plants	FUY, Sanding...	¥651.00	
9/28/2011	flight	Qingdao	Tianjin	visiting brake rotor plants	FUY, Sanding...	¥480.00	
9/26/2011	taxi	Home	Tianjin Airport	visiting brake rotor plants	FUY, Sanding...	¥49.70	
9/28/2011	taxi	Tianjin Airport	Home	visiting brake rotor plants	FUY, Sanding...	¥48.00	
10/28/2011	flight	Guangzhou	Tianjin	Attending AAP&E		¥2,530.00	
<b>total RMB</b>						<b>¥3,758.70</b>	<b>US\$0.00</b>

**Accommodations**

date of stay	name of hotel	Province	purpose of stay	RMB amount	US\$
9/26/2011	Yantai Meihuada Hotel	Shandong	visiting brake rotor plants	¥584.00	
9/27/2011	Longkou Nanshan Hotel	Shandong	visiting brake rotor plants	¥480.00	
9/28/2011	Laizhou Bairdu Hotel	Shandong	visiting brake rotor plants	¥276.00	
<b>total RMB</b>				<b>¥1,340.00</b>	<b>US\$0.00</b>

**Miscellaneous**

date of expense	type of expense	name of store or service	purpose of expense	RMB amount	US\$
<b>total RMB</b>				<b>¥0.00</b>	<b>US\$0.00</b>
<b>total RMB/US\$ expenses</b>				<b>¥5,098.70</b>	<b>US\$0.00</b>

*OK*

*[Signature]*

801.04 H 2m

**Lili Expenses****Transportation**

				name of plant or place visiting		RMB amount		US\$	
date of travel	type (taxi, bus, flight, etc..)	from where	to where	purpose of trip					
12/6/2011	taxi	Dongguan home	Coach station	Automechanika show		Shanghai	¥20.00		
12/6/2011	coach	Coach station	Shenzhen airport	Automechanika show		Shanghai	¥40.00		
12/6/2011	flight	Shenzhen airport	Shanghai airport	Automechanika show		Shanghai	¥780.00		
12/11/2011	flight	Shanghai airport	Guangzhou	Dongguan		Dongguan	¥1,110.00		
12/11/2011	coach	Guangzhou airport	Coach station	Dongguan		Dongguan	¥53.00		
12/11/2011	taxi	Coach station	Dongguan home	Dongguan		Dongguan	¥20.00		
total RMB							¥2,023.00		US\$20.00

**Accommodations**

date of stay	name of Hotel	Province	purpose of stay	RMB amount	US\$	5 nights for two rooms
2011/12/6-12/10	Shanghai Jinjiang Tower Hotel	Shanghai	Automechanika show	¥6,050.00		
<b>total RMB</b>				<b>¥6,050.00</b>	<b>US\$0.00</b>	

**Miscellaneous**

date of expense	type of expense	name of store or service	purpose of expense	RMB amount	US\$
12/6/2011	lunch	Shenzhen airport	Automechanika show	¥30.00	
<b>total RMB</b>				<b>¥30.00</b>	<b>US\$0.00</b>
<b>total RMB/US\$ expenses</b>				<b>¥8,103.00</b>	<b>US\$0.00</b>

OK  
PURA

= 1,273.91 USD  
7069

5-21-2012 \$1811.96 USD

**LIII Expenses****Transportation**

date of travel	type (taxi, bus, flight, etc.)	from where	to where	purpose of trip	visiting	name of plant or place	RMB amount	US\$
4/22/2012	flight	Guangzhou	Beijing	Beijing Auto Show			¥3,090.00	
5/4/2012	flight	Beijing	Guangzhou	Back to Dongguan				
4/26/2012	flight	Beijing	Yantai	Visit new rotor suppliers			¥1,580.00	
4/27/2012	flight	Yantai	Beijing	Back to Home				
total RMB							¥4,670.00	US\$0.00

**Accommodations**

date of stay	name of Hotel	Province	purpose of stay	RMB amount	US\$
4/22-4/26 (2 rooms*4 nights)	Hotel G Beijing	Beijing	Beijing Auto Show	¥5,600.00	
total RMB				¥5,600.00	US\$0.00

**Miscellaneous**

date of expense	type of expense	name of store or service	purpose of expense	RMB amount	US\$
Internet cost (12 months)				¥1,200.00	US\$0.00
total RMB				¥1,200.00	US\$0.00
total RMB/US\$ expenses				¥11,470.00	US\$0.00

OK MWA-gmc  
3-15-2012





## Lili Expenses

## Transportation

[illegible]

## Accommodations

[illegible]

## Miscellaneous

date of expense	type of expense	name of store or service	purpose of expense	RMB amount	US\$
12/9/2012	Lunch	Luotianmi	traveling to Shanghai Show	¥197.00	
12/16/2012	Lunch	Shingiang	traveling back to Dongguan	¥169.10	
12/16/2012	Dinner	Shengda	traveling back to Dongguan	¥98.00	
total RMB				¥464.10	US\$0.00
total RMB/US\$ expenses				✓ ¥631.10	US\$0.00

10.279  
USD

**Lili Expenses****Transportation**

date of travel	type (taxi, bus, flight, etc..)	from where	to where
12/9/2012	flight	Shenzhen	Shanghai
12/16/2012	flight	Shanghai	Shenzhen

**Accommodations**

date of stay	name of Hotel	Province	purpose of stay
12/9-12/16	Jin Jiang Tower Hotel	Shanghai	Shanghai Show

total RMB

**Miscellaneous**

date of expense	type of expense	name of store or service	purpose of expense

total RMB

total RMB/US\$ expenses

purpose of trip	name of plant or place visiting	RMB amount	US\$
Shanghai Show			
Shanghai Show		¥1,840.00	
total RMB		¥1,840.00	US\$0.00

RMB amount	US\$	
¥6,552.00		2 rooms, 7 nights
¥6,552.00	US\$0.00	

RMB amount	US\$
¥0.00	US\$0.00
¥8,392.00	US\$0.00

1346.75 USD

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 CUST No. Date  
 34079 310654 12/28/10  
 Totals For Period 2010/12  
 Totals Company 1

AUTOPARTSOURCE LLC  
 Monthly Sales Report By Customer/Invoice  
 Page: 13  
 Date: 4/17/13

Charge	Charge	Hand.	Misc.	Tax	Total	Cost	Profit
Charge	Charge	Charge	Charge	Amount	Invoice	Amount	Amount Pct
553.99	9.17 *	.00	.00	.00	553.99	490.86	163.13 24.94 %
36843.94 *	9.17 *	.00 *	.00 *	.00 *	36853.11 *	27055.35 *	9788.59 26.57 %
36843.94	9.17	.00	.00	.00	36853.11	27055.35	9788.59 26.57 %
278803.16	175.46	12.00	.00	.00	278990.62	212057.75	66745.41 23.94 %

REPORT SELECTIONS  
 FROM COMPANY 01 TO 01  
 FROM CUSTOMER 34079 TO 34079  
 FROM SALESMAN 00000 TO 99999  
 FROM TERRITORY TO 9999  
 REPORT PERIOD 1/2010 TO 12/2010  
 REPORT SEQUENCE C = CUSTOMER  
 REPORT DATE 4/17/13  
 RUN BY VBOARCH

INTEX

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EXHIBIT

5

/ Customer..... 34019 /

INTEX AUTO PARTS

SAN JOSE

CA 950503008

Prior Year  
Profit Analysis

Month	Year	Sales	Cost	Profit	Percent
January	11	24,296.11	17,280.06	7,016.05	28.88
February	11	22,054.00	15,437.41	6,616.59	30.00
March	11	16,716.65	12,298.29	4,418.36	26.43
April	11	11,260.05	15,011.66	3,751.61-	33.32-
May	11	18,053.64	12,806.94	5,246.70	29.06
June	11	21,301.16	15,137.34	6,163.82	28.94
July	11	15,219.96	10,856.28	4,363.68	28.67
August	11	12,933.31	9,298.48	3,634.83	28.10
September	11	19,625.22	14,186.07	5,439.15	27.72
October	11	7,343.75	5,985.39	1,358.36	18.50
November	11	14,965.57	11,005.94	3,959.63	26.46
December	11	9,802.45	6,987.04	2,815.41	28.72
Totals		193,571.87 ✓	146,290.90	47,280.97	24.43

F1=Profit F2=Compare F3=Exit

F5=Trend F6=Cust F7=Slsman F8=Item F9=Dv/C1

F12=Previous

F15=Loc F16=Shipto F17=Roll view

EXHIBIT

SAINAN-PR

## Sales Analysis Inquiry

System 2000

Company..... 01

Customer..... 34079 /

INTEX AUTO PARTS

SAN JOSE

CA 950503008

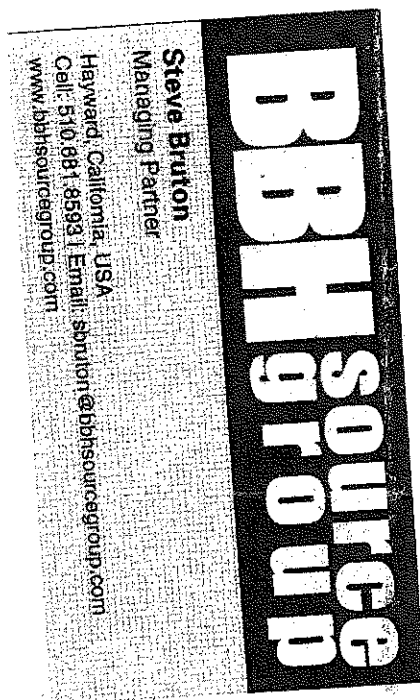
Customer  
Prior Year  
Profit Analysis

Month	Year	Sales	Cost	Profit	Percent
January	12	16,890.03	11,953.62	4,936.41	29.23
February	12	15,453.91	10,945.93	4,507.98	29.17
March	12	16,528.75	11,511.32	5,017.43	30.36
April	12	14,959.24	10,450.76	4,508.48	30.14
May	12	15,528.88	12,484.25	3,044.63	19.61
June	12	14,132.43	14,608.17	475.74-	3.37-
July	12	10,582.07	7,666.15	2,915.92	27.56
August	12	10,258.41	7,618.12	2,640.29	25.74
September	12	9,921.66	7,383.89	2,537.77	25.58
October	12	11,947.36	8,771.14	3,176.22	26.59
November	12	4,312.23	3,434.40	877.83	20.36
December	12	7,430.66	5,498.88	1,931.78	26.00
Totals		147,945.63	112,326.63	35,619.00	24.08

F1=Profit F2=Compare F3=Exit F5=Trend F6=Cust F7=Slsman F8=Item F9=Dv/Cl  
 F12=Previous F15=Loc F16=Shipto F17=Roll view

EXHIBIT

7





CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD



OAKLAND OFFICE OF APPEALS  
1515 Clay St Ste 902  
OAKLAND CA 94612

(510) 622-3900

STEPHEN C BRUTON  
Claimant-Appellant

AUTOPARTSOURCE, LLC  
Account No: 239-0039  
Employer

Case No. **4796753**

Issue(s): 1030/32, 1256

Date Appeal Filed: 03/09/2013

EDD: 0490 BYB: 01/06/2013

**Date and Place of Hearing(s):**

(1) 04/19/2013 Oakland

**Parties Appearing:**

Claimant, Employer

**DECISION**

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

**Federico Chavez, Administrative Law Judge**

AUTOPARTSOURCE, LLC  
4605 CAROLINA AVE BLDG  
RICHMOND, VA 23222-0000

Date Mailed:

APR 23 2013

**EXHIBIT**

9

Case No.: 4796753

Oakland Office of Appeals

CLT/PET: Stephen C. Bruton

ALJ: Federico Chavez

Parties Appearing: Claimant, Employer

Parties Appearing by Written Statement: None

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### ISSUE STATEMENT

The claimant appealed from a determination disqualifying the claimant for unemployment benefits under Unemployment Insurance Code section 1256. A ruling held the employer's reserve account was not subject to charges. The issue in this case is whether the claimant was discharged for misconduct connected with the most recent work.

### FINDINGS OF FACT

The claimant was most recently employed as the global product development manager by the employer for approximately five years, or since the employer purchased the company where he had already been working for a number of years. He worked as a salaried employee earning a base salary of approximately \$100,000 per year. He last worked for the employer on or about December 31, 2012, and was discharged from that employment under the following circumstances.

The president of the company learned the claimant had established his own company and was directly competing with the employer in the sale of some of the products the employer also sold.

The claimant used the employer's laptop work computer to work on matters dealing with his personal company.

A longtime customer of the employer purchased approximately 2,500 automobile brake rotors from the claimant's company while he was employed for the employer. The employer produced and sold to its customers the same type of automobile part.

The employer believed the claimant while on an employer financed trip to China conducted business on behalf of his own company and to the detriment of the employer.

The claimant had a conflict of interest using the employer's confidential and proprietary information to assist him in setting up and running his own company.

He was terminated because he set up a company and engaged in sales activities on behalf of his own company causing a conflict of interest with his employer.

The claimant emphasized his company produced oxygen sensors, but when a client of the employer inquired about the purchase of brake rotors, the claimant's company sold the client with the inquired about item. The client's inquiry was not referred to the employer a potential vendor of the brake rotors to the client.

He was discharged because he breached his duty of loyalty, good faith, and fair dealing with the employer by establishing and operating a company in partial competition with the employer's business.

### REASONS FOR DECISION

An individual is disqualified for benefits if he or she has been discharged for misconduct connected with his or her most recent work. (Unemployment Insurance Code, section 1256.)

The employer's reserve account may be relieved of benefit charges if the claimant was discharged for misconduct. (Unemployment Insurance Code, sections 1030 and 1032.)

"Misconduct connected with the work" is a substantial breach by the claimant of an important duty or obligation owed the employer, wilful or wanton in character, and tending to injure the employer. (Precedent Decision P-B-3, citing *Maywood Glass Co. v. Stewart* (1959) 170 Cal.App.2d 719.)

Some conduct, even in the absence of a specific employer rule, is in disregard of the standard of behavior that an employer has a right to expect. Unless simply a good faith error in judgment or discretion, such behavior is misconduct. (Precedent Decision P-B-221.)

Every employee owes his or her employer an obligation of good faith and fair dealing. (Precedent Decision P-B-10.)

In this case, the claimant engaged in conduct that was in disregard of the standard behavior the employer had a right to expect from an individual it hired as the global product development manager. The claimant was discharged because he breached his obligation in good faith and fair dealing with the employer by establishing his own company and making sales in competition with the employer. His conduct was egregious and breached a standard of behavior which the employer had a right to expect from him. Accordingly, the claimant was discharged from his most recent employment due to misconduct and is disqualified for benefits pursuant to code section 1256. The employer's reserve account is not relieved of benefit charges.

DECISION

The notice of determination and ruling are affirmed. The claimant is disqualified for benefits pursuant to code section 1256. Benefits are denied. The employer's reserve account is not subject to benefit charges.

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CALIFORNIA UNEMPLOYMENT  
INSURANCE APPEALS BOARD

## CUIAB – BOARD APPEAL

If you disagree with the unfavorable CUIAB Administrative Law Judge's (ALJ) decision you must file your Board Appeal within 20 calendar days, (including weekends and holidays), or within 30 days for tax petition(s), from the mailing date stamped on the front of the ALJ's decision.

**Claimants:** If you wish to claim benefits while your appeal is pending you must continue to file claim forms. If you are found ineligible you may be required to repay benefits received. Please direct all claim questions to the Employment Development Department (EDD) at: <http://www.edd.ca.gov>

**The following information must be provided by the party filing the appeal (Appellant) or authorized agent/representative.**

Check party filing the appeal: Claimant ☐ Employer ☐ EDD ☐

Appellant Name: \_\_\_\_\_ ALJ Decision Date and Case No.: \_\_\_\_\_

Appellant Phone No.: (\_\_\_\_) \_\_\_\_\_ Appellant Fax No.: (\_\_\_\_) \_\_\_\_\_

Appellant Mailing Address: \_\_\_\_\_  
Street No., Apt. No., P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Do you give permission for the CUIAB to send confidential information regarding your appeal to the listed e-mail address and/or cell phone by voice or text message (Information may be received sooner)? Yes ☐ No ☐

If yes, please provide the e-mail address and/or cell phone number where you would like the information sent.

E-mail Address: \_\_\_\_\_ Cell Phone No.: (\_\_\_\_) \_\_\_\_\_

Claimant Name: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Employer Account No.: \_\_\_\_\_  
(For Employer Only)

Appellant Agent or Representative Name (If applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street No., Apt. No., P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

☐ Check box if you are not filing your appeal on time, (within 20 calendar days from the date listed on the front of the ALJ's decision, or within 30 days for tax petitions) and explain the delay with specific details.

☐ Check box if presenting new or additional evidence. Attach documents and explain why they were not presented at the hearing.

I disagree with the Administrative Law Judge's decision because: \_\_\_\_\_

(If you need additional space please use the lines on the back of this page)

Signature of the Appellant or  
Agent / Representative Required: \_\_\_\_\_ Date: \_\_\_\_\_

CALIFORNIA UNEMPLOYMENT  
INSURANCE APPEALS BOARD**NOTICE TO PARTIES****Board Appeal**

If the enclosed decision is unfavorable, you may appeal it to the Appeals Board (Board). The Board generally decides the case on the record of the hearing before the Administrative Law Judge (ALJ) without a new hearing, so no subpoenas will be issued.

**You must mail, fax or deliver your written board appeal within 20 calendar days (including weekends and holidays), or 30 calendar days for tax petition(s), from the mailing date stamped on the front of the ALJ's decision.** Your board appeal must be in writing, signed, and include your name and address, the name of any claimant who is a party to the case, the case number of the ALJ's decision and your account number if you are an employer. If a representative files your board appeal, it must include the representative's name and address. You may include other information such as your telephone, cell and fax numbers, your e-mail address and a statement of why you disagree with the ALJ's decision (written argument).

Submitting a timely board appeal is the only requirement to obtain a review and decision in your case. When you file your board appeal, you may request the Board to send you a copy of the record of the hearing held by the ALJ if it is needed for your written argument. If you are the claimant or claimant representative, there is no payment required for a copy of the record. If you are an employer or employer representative, you must specify what item(s) you want and send a check or money order payable to **EDD**: \$5 for a CD, \$5 for exhibits, and \$5 for a transcript if available. If you ask for a copy of the record with your board appeal, you will be given a new due date to submit written argument after the board appeal is filed.

With your board appeal, you may also request the Board to accept new or additional evidence. The Board **rarely** accepts new or additional evidence. If you make a request, you must: (a) attach the evidence with your board appeal; (b) explain why the evidence was not given to the ALJ at the hearing; and (c) explain why the evidence is important to the case.

**New Hearing Request**

**If you did not appear in the hearing and the ALJ's decision is unfavorable, or you withdrew your appeal,** you may request a new hearing and decision in your case within 20 calendar days from the mailing date stamped on the front of the ALJ's decision. You **must** make your request and give your reasons in writing. If warranted, a hearing will be scheduled before an ALJ who will decide if there is good cause to grant your request.

**Deadline and Address**

You must submit your board appeal, new hearing request, written argument, and any other requests within the time limits noted above. Mail, fax or deliver your board appeal or requests to:

**CUIAB - Oakland Office of Appeals**

**1515 Clay Street, Suite 902, Oakland, CA 94612-1413**

**Fax: (510) 622-3929**

**For more information call the Appeals Board: (916) 263-6803**

If you miss the deadline, you must explain the reasons for your delay. **AN UNTIMELY BOARD APPEAL OR UNTIMELY REQUEST WILL BE DISMISSED OR DENIED UNLESS GOOD CAUSE IS FOUND TO EXTEND THE TIME FOR FILING.**

**Claim Forms**

If you are the claimant and still unemployed or disabled, you **must** file claim forms while your appeal is pending as required by the EDD. If you do not have claim forms, contact EDD at: <http://www.edd.ca.gov> and follow the links to Contact EDD. Disability Insurance Claimants: Call (800) 480-3287 Paid Family Leave Claimants: Call (877) 238-4373

**Governing Procedure**

This notice gives general information. The governing procedure is in Title 22, California Code of Regulations, Sections 5000-5200, available on the internet at <http://ccr.oal.ca.gov> or from the Office of Appeals without charge.

- Español al reverso -